

### REMARKS

This Amendment cancels claims 3-6, 11, and 12 and adds the limitations therefrom to independent claim 1. Claims 1, 8, 9, 13-16, and 18 remain in this application.

### CLAIM REJECTIONS

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) for anticipation by GB 1,440,686. Claims 4, 5, 11, 13, and 15 stand rejected under 35 U.S.C. § 103(a) for obviousness over GB '686. Claims 6-9 stand rejected under 35 U.S.C. § 103(a) for obviousness over GB '686 in view of GB 2,288,770. Claims 12, 16, and 18 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of GB '686 in view of WO 91/04221.

In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

As set forth above, Applicant has canceled claims 3-6, 11, and 12 and has added the limitations therefrom into independent claim 1. Therefore, Applicant will discuss the allowability of independent claim 1 over each of the cited references.

Claim 1, as amended, is directed to an industrial truck comprising a vehicle frame and a driver station comprising at least one support structure for a floor plate and at least one driver's seat. An intermediate frame is located at the driver's station. The support structure for the floor plate and the driver's seat are fastened to an intermediate frame. The truck further comprises at least one suspension element comprising at least one metal coil spring and at least one damping element comprising at least one hydraulic damper, with the suspension element being separate from the damping element. The suspension element and damping element connect the intermediate frame with the vehicle frame. One end of the suspension element is connected to the intermediate frame and the other end of the suspension element is connected to the vehicle frame. One end of the damping element is connected to the intermediate frame and the other end of the damping element is connected to the vehicle frame. The truck further includes at least one translation guide element connecting the intermediate frame with the vehicle frame. The translation guide element comprises at least one roller guided in the guide element such that the intermediate frame is moveable in translation relative to the vehicle frame only in a vertical direction.

GB '686 discloses a seat 10 and a control assembly 14 mounted on a rigid floor plate 13. The floor plate is connected to a base plate 18 by transversely-oriented

scissor-type linkage systems 20. The base plate 18 is then further connected to a support plate 22 (vehicle frame) by mutually perpendicular and interconnected tubular shafts 23, 24 and four control struts 30. The Examiner characterizes the four control struts 30 as equivalent to the claimed suspension element and damping element.

GB '770 discloses an industrial truck having a seat S mounted on a floor plate B. The seat S and floor plate B can be moved by actuators controlled by a control circuit.

WO '221 discloses a forklift truck having a hydraulic transmission system 15 with a gas damper 16.

None of the cited references either alone, or in combination, fairly teaches or suggests the industrial truck as set forth in amended claim 1. Regarding the principal reference GB' 686, this reference does not teach separate suspension elements and dampening elements, with the suspension elements comprising metal coil springs and the dampening elements comprising a hydraulic damper. Additionally, this reference does not teach or suggest one end of the suspension element connected to the intermediate frame and the other end connected to the vehicle frame nor one end of the damping element connected to the intermediate frame and the other end of the damping element connected to the vehicle frame. In GB '686, the control struts 30 have one end connected to the vehicle frame 22 and the other end connected to a base plate 18. The floor plate 13 which carries the seat 10 and control assembly 14 is connected to the base plate 18 by linkage systems 20. Additionally, GB '686 is directed to a system to provide "pivotal movement" of the base plate relative to the support plate about mutually perpendicular axes (page 1, line 42 to line 54; and page 1, line 91 to page 2, line 31). GB' 686 does not teach or suggest a translation guide element connecting the intermediate frame with the vehicle frame having a guide roller such that the intermediate frame is moveable relative to the vehicle frame only in a vertical direction. Therefore, amended claim 1 is not believed to be anticipated by nor obvious in view of GB '686.

GB '770 and WO '221 do not overcome the shortcomings of GB '686 regarding claim 1 as discussed above. Therefore, claim 1, as amended, is believed patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 8, 9, 13-16, and 18 depend from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these

Application No. 10/603,574  
Paper Dated: August 13, 2007  
In Reply to USPTO Correspondence of May 18, 2007  
Attorney Docket No. 5328-030780

claims are also believed to be in condition for allowance. Reconsideration of the rejections of claims 8, 9, 13-16, and 18 is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1, 8-9, 13-16, and 18 are respectfully requested.

Respectfully submitted,

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